

EXHIBIT 73

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
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5 NIKE, INC.;

)

)

6 Plaintiff,

)

)

7 vs.

) Case No.

) 1:22-cv-00983-VEC

8 STOCKX, LLC;

)

)

9 Defendant.

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13 VIDEOTAPED DEPOSITION OF ROY IKHYUN KIM

14

San Diego, California

15

Wednesday, February 8, 2023

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22 Reported by:

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Lynda L. Fenn, CSR, RPR

24

CSR No. 12566

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Page 2

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
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5 NIKE, INC.;)
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7 Plaintiff,)
8)
9 vs.) Case No.
10) 1:22-cv-00983-VEC
11 STOCKX, LLC;)
12)
13 Defendant.)
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13 VIDEOTAPED DEPOSITION of ROY IKHYUN KIM,
14 taken on behalf of Plaintiff, San Diego,
15 California, at 9:56 a.m. and ending at 1:40
16 p.m., Wednesday, February 8, 2023, reported by
17 Lynda L. Fenn, CSR No. 12566, Certified
18 Shorthand Reporter within and for the State of
19 California, pursuant to notice.

Page 23

1 A No.

2 Q Are you on any medications that would
3 impair your ability to testify truthfully?

4 A No.

5 Q Okay. Thank you.

6 Mr. Kim, would you consider yourself a
7 sneaker collector?

8 A I would, yes.

9 Q And what does it mean to you to be a
10 sneaker collector?

11 A It's somebody who enjoys the history of
12 sneakers and spends time buying them, trading them,
13 accumulating a collection of them.

14 Q How many sneakers have you purchased since
15 you became a collector?

16 A As a collector, a couple hundred, maybe
17 400, 500 for my personal collection.

18 Q And how much would you estimate you have
19 spent on your collection?

20 A My personal collection would be
21 \$300,000-ish. I don't know. That's my guess.

22 Q How many sneakers do you currently own?

23 A My total inventory, so including the shoes
24 that I re-sell, I have around 5,000 pairs right now.

25 Q And do you collect a specific brand of

Page 24

1 sneakers?

2 A No.

3 Q What -- what brands do you collect?

4 A I collect Nike, New Balances, Asics,
5 Adidas, Puma.

6 I collect basically any brand that has an
7 interesting shoe that I like.

8 Q And I believe you mentioned that you sell
9 sneakers; is that right?

10 A Yes.

11 Q Okay. And where do you sell sneakers?

12 A I sell sneakers through consignment stores,
13 through swap meets, online through applications like
14 GOAT and StockX and sometimes with friends.

15 Q Any other applications besides GOAT or
16 StockX that you use?

17 A I have sold through eBay before as well.

18 Q And if you can give me a general estimate,
19 how many sneakers have you resold?

20 A I don't know. I would have to look it up,
21 but let's call it a thousand, though.

22 Probably maybe in the neighborhood of maybe
23 two thousand, three thousand. Somewhere in there.

24 Q And how long have you been selling sneakers
25 for -- reselling sneakers?

Page 27

1 Q Does it entitle you to any other special
2 benefits beyond discounted shipping?

3 A I'm told that we get a dedicated customer
4 support rep for our issues, but I'm not a hundred
5 percent sure that's actually the case.

6 Q And when did you become a StockX power
7 buyer?

8 A I've had that discount -- for over a year
9 at least. I don't know exactly.

10 Q Are you aware of like -- was there a
11 threshold amount that you sold to -- to become a
12 power buyer with StockX?

13 A Yeah, a threshold amount that I bought
14 within a time period.

15 There was an email that they sent that
16 tells you what the thresholds are, but I didn't
17 really read it, you know, because they just said I
18 got a discount so I said, That's cool.

19 Q Okay.

20 Prior to becoming a power buyer, did you
21 ever have any issues with any product that you
22 received from StockX?

23 A Not to my memory.

24 Q Okay.

25 A There's a few shoes that might have had

Page 28

1 like slight defects, like, you know, they might have
2 had stains and stuff, but I don't -- I don't recall
3 exactly.

4 Q Okay.

5 After becoming a power buyer, did you ever
6 have any issues with a product you received from
7 StockX?

8 A Yeah.

9 Q And what issue was that?

10 A I received a batch of fake shoes from them
11 and it's very specific SKUs. There are three SKUs
12 that I bought earlier this -- I'm sorry, early in
13 2022, around springtime that turned out to be fake.

14 Q And what products are those?

15 A They were Nike Air Jordan 1s in three
16 specific colorways. One which was the University
17 Blue colorway, the second which was the Dark Mocha
18 and the third which was the Hyper Royal colorway.

19 Q And why did you suspect the product you
20 received was fake?

21 A On -- on my Instagram I tend to post the
22 shoes that I'm purchasing for some of my kind of
23 reseller Instagram followers to discuss. And I had
24 posted that the price of these three SKUs had
25 diminished to a point where I thought there could be

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1 some profit to be made, because these are high demand
2 SKUs.

3 I received a message from somebody, I don't
4 remember who, who just kind of warned me that there
5 was a rumor going around that these shoes -- that
6 there was a batch of fakes going through StockX that
7 were passing.

8 So when I received the shoes, I took a look
9 at them and then I ran them through two apps that
10 allow you to send photos to do like authenticity
11 checks on them: CheckCheck App and Legit Check App.
12 And those started returning in large number that
13 these shoes were fake, so I was kind of -- had my
14 suspicions confirmed when I ran these shoes through
15 those two apps and they both returned with the same
16 results.

17 Q Did you attempt to contact StockX to return
18 that product?

19 A Yes, I reached out to them through their
20 customer support help thing on their website to try
21 to get someone to reach out because there was a large
22 number of shoes that were failing.

23 Q And did you receive a response?

24 A Initially, no.

25 Q How many times did you contact StockX

Page 30

1 before receiving a response?

2 A Through the email chat I sent them, I
3 think, one message. And then I had also reached out
4 through their Discord because the moderators on that
5 Discord were a little bit more accessible.

6 I didn't hear from them back either, so I
7 had to post on my Instagram instead.

8 Q And so was it after you posted on your
9 Instagram when you were able to make contact with
10 StockX?

11 A Yeah, StockX reached out to me after they
12 saw the post go viral on the sneaker Instagram sites.

13 Q In contacting StockX, did you express that
14 you had suspected the product was fake?

15 A Yes, I believe so.

16 Q And were you ultimately able to return the
17 product?

18 A I was, yes.

19 Q Now, after you became a power buyer with
20 StockX, did you have issues with any other products
21 that you received from StockX?

22 A Not to my knowledge, no.

23 Q How would you characterize the customer
24 service you received from StockX prior -- withdrawn.

25 How would you characterize the customer

Page 31

1 service you received from StockX after becoming a
2 power buyer?

3 A Their customer service is generally pretty
4 good just not in this particular case. Generally,
5 they are responsive to any issues that I have as a
6 buyer or a seller within 24 hours.

7 In this case I didn't hear back them from.

8 Q And do you think that StockX made it easier
9 for you to return products with issues?

10 A I'm sorry, I don't understand your
11 question.

12 Q Yeah.

13 Did StockX make it easy for you to return
14 products with issues?

15 A Outside of this particular scenario or
16 others?

17 Q Well, let's focus on this particular
18 scenario.

19 A In this scenario, yeah, once they received
20 the shoes and verified that, you know, they were
21 fake, it was easy for me to return.

22 They sent me a bunch of shipping label and
23 I sent the shoes back with them.

24 Q Okay. How about in other situations?

25 Does StockX make it easy for you to return

Page 33

1 of the shoe was dirty.

2 But this was a shoe that I had purchased
3 from StockX, left in my storage unit and then tried
4 to sell back recently.

5 Q And did you attempt to contact StockX
6 following that?

7 A No.

8 Q Any other situations you can think of where
9 a product you purchased from StockX may have failed
10 when you attempted to sell them again on StockX?

11 MR. POTTER: Objection to form.

12 THE WITNESS: I can't remember. I mean
13 there have been cases, I just can't remember the
14 specific details.

15 Generally when it happens I just take the
16 shoe back, I take a look at it, I'll clean it up and
17 then -- yeah, if they say, like, the bottom of the
18 insole is dirty, I'll clean and, you know, sell them
19 again.

20 MS. REINCKENS: Can you please mark this as
21 Exhibit No. ROY 1.

22 Actually, I think we can do Exhibit
23 No. KIM -- KIM 1, sorry.

24 (Plaintiff's Exhibit 1 was marked for
25 identification by the Certified Shorthand Reporter

Page 34

1 and is attached hereto.)

2 BY MS. REINCKENS:

3 Q Mr. Kim, what is your email address?

4 A [REDACTED]

5 Q Is this the only email address you used to
6 contact StockX?

7 A It is.

8 Q All right.

9 Now, the court reporter has handed you a
10 document that's been marked as Exhibit No. KIM 1.

11 Do you have that in front of you?

12 A I do.

13 Q Okay.

14 What is this document?

15 A This is an email of an order of a shoe that
16 I purchased from StockX.

17 Q Okay.

18 And when do you receive one of these emails
19 from StockX?

20 A I'm sorry?

21 Q When do you receive one of these emails
22 from StockX?

23 A You receive this email -- I received this
24 email when an order goes through StockX and I paid
25 for it and I commit to buying it.

Page 35

1 Q Okay.

2 So it's after you purchased a product from
3 StockX; correct?

4 A Yes, that's correct.

5 Q All right.

6 And in your experience do you typically
7 receive an order confirmation from StockX after
8 purchasing?

9 A Yes, almost immediately.

10 Q So was the date the order was confirmed on
11 or around the date of the purchase then?

12 A Yes, it would be --

13 MR. POTTER: Objection; form.

14 THE WITNESS: Oh, sorry.

15 Yes, it would be right around the date of
16 the email.

17 MS. REINCKENS: Okay.

18 BY MS. REINCKENS:

19 Q Now, looking at Exhibit No. KIM 1, what
20 date is shown here for that?

21 A May 30th, 2022.

22 Q Okay.

23 And what order number is this?

24 A This is Order No. 37857795, dash, 37757554.

25 Q Is this document an accurate reflection of

Page 36

1 your purchase?

2 A It is.

3 Q And what type of shoe is this order for?

4 A This is a Jordan 1 University Blue.

5 Q And if you look at the Bates numbered page

6 RK 000029 it says, "Condition."

7 Do you see that, sir?

8 A Oh, yeah, it says, "Condition: New, one
9 hundred percent authentic."

10 Q Okay.

11 And did you receive this order from StockX?

12 A I did.

13 Q All right.

14 You can put that to the side and I'll
15 apologize in advance, we are going to be going
16 through a lot of these in a similar fashion.

17 MS. REINCKENS: Would you mark this as
18 Exhibit No. KIM 2.

19 (Plaintiff's Exhibit 2 was marked for
20 identification by the Certified Shorthand Reporter
21 and is attached hereto.)

22 MS. REINCKENS: Okay.

23 BY MS. REINCKENS:

24 Q Mr. Kim, the court reporter has handed you
25 an exhibit marked as Exhibit No. KIM 2.

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1 Do you have that in front of you?

2 A I do.

3 Q All right.

4 And do you recognize this document?

5 A I do.

6 Q And what is it?

7 A It is an order purchase confirmation from
8 StockX.

9 Q Okay.

10 And what date did you receive this email?

11 A Dated May 30th, 2022.

12 Q And is this document an accurate reflection
13 of what you were trying to purchase?

14 A It is.

15 Q What type of shoe was this order for?

16 A This was a Jordan 1 University Blue.

17 Q Okay.

18 And what's the order number?

19 A 37857800, dash, 37757559.

20 Q And if you look at RK 32, it, once again,
21 says the condition.

22 Do you see that?

23 A Yes, it's "New, one hundred percent
24 authentic."

25 Q Did you receive this order from StockX?

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1 A I did.

2 MS. REINCKENS: Mark this is Exhibit
3 No. KIM 3.

4 (Plaintiff's Exhibit 3 was marked for
5 identification by the Certified Shorthand Reporter
6 and is attached hereto.)

7 MS. REINCKENS: Okay.

8 BY MS. REINCKENS:

9 Q Mr. Kim, the court reporter has handed you
10 a document that's been marked as Exhibit No. KIM 3.
11 I'll just say on the record it bear the Bates numbers
12 RK 37 through RK 43.

13 Do you recognize this document?

14 A Yes, it's a series of emails for a shoe I
15 bought on the same day with the same shoe size, a
16 Jordan 1 University Blue.

17 Q Okay.

18 And what -- let's take this just in a
19 couple of steps here.

20 This -- this is an order confirmation then
21 for an order of -- is it three pairs of shoes; is
22 that right?

23 A One, two, three -- yes, three shoes.

24 Q Okay.

25 And if you would be kind enough just to

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1 state on the record the order numbers, please.

2 A Yes. The order number for the first one is
3 37858112, dash, 37757871.

4 The order number for the second pair is
5 37864122, dash, 37763881.

6 The order number for the third one is
7 37881414, dash, 37781173. All marked, "New, a
8 hundred percent authentic."

9 Q Okay.

10 And did you receive these orders from
11 StockX?

12 A I did.

13 Q Okay.

14 MS. REINCKENS: Exhibit No. KIM 4.

15 THE WITNESS: Thank you.

16 (Plaintiff's Exhibit 4 was marked for
17 identification by the Certified Shorthand Reporter
18 and is attached hereto.)

19 BY MS. REINCKENS:

20 Q The court reporter has handed you an
21 exhibit marked as Exhibit No. KIM 4. It bears the
22 Bates numbers RK 44 through RK 46.

23 Do you recognize this document?

24 A Yes, it is an email confirmation for an
25 order made for Jordan 1 University Blue on June 28th,

Page 40

1 2022.

2 Q And what is the order number?

3 A Order No. 38917859, dash, 38817618, marked,
4 "New, a hundred percent authentic."

5 Q And is this document an accurate reflection
6 of what you were trying to purchase?

7 A Yes.

8 Q And did you receive this order from StockX?

9 A I did.

10 MS. REINCKENS: Exhibit No. KIM 5, please.

11 (Plaintiff's Exhibit 5 was marked for
12 identification by the Certified Shorthand Reporter
13 and is attached hereto.)

14 BY MS. REINCKENS:

15 Q Mr. Kim, you've been handed an exhibit
16 marked as Exhibit No. KIM 5 and it bears the Bates
17 numbers RK 47 through RK 49.

18 Do you recognize this document?

19 A Yes, it is an email purchase order
20 confirmation from StockX for a Jordan 1 University
21 Blue, size 12, dated May 30th, 2022, Order
22 No. 37858121, dash, 37757880, marked, "New, one
23 hundred percent authentic."

24 Q And is this document an accurate reflection
25 of what you were trying to purchase?

Page 41

1 A Yes, it is.

2 Q And did you receive this order from StockX?

3 A I did.

4 MS. REINCKENS: Number six, please.

5 (Plaintiff's Exhibit 6 was marked for
6 identification by the Certified Shorthand Reporter
7 and is attached hereto.)

8 BY MS. REINCKENS:

9 Q Mr. Kim, the court reporter has handed you
10 an exhibit marked as Exhibit No. KIM 6. It bears the
11 Bates numbers RK 50 through RK 52.

12 Do you recognize this document?

13 A Yes, it's an email confirmation for a
14 StockX purchase of a Jordan 1 University Blue, dated
15 May 30th, 2022, Order No. 37857881, dash, 37757640,
16 marked, "New, one hundred percent authentic."

17 Q And is this document an accurate reflection
18 of what you were trying to purchase?

19 A Yes, it is.

20 Q And did you receive this order from StockX?

21 A I did.

22 MS. REINCKENS: Exhibit No. KIM 7, please.

23 (Plaintiff's Exhibit 7 was marked for
24 identification by the Certified Shorthand Reporter
25 and is attached hereto.)

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1 THE WITNESS: Thank you.

2 MS. REINCKENS: Okay.

3 BY MS. REINCKENS:

4 Q Mr. Kim, the court reporter has handed you
5 an exhibit marked as Exhibit No. KIM 7 and it bears
6 the Bates numbers RK 53 through RK 61.

7 Do you recognize this document?

8 A Yes, it's an order -- it's an email thread
9 of an email confirmation from StockX on a purchase of
10 four pairs of Jordan 1 University Blues, dated May
11 30th, 2022. The order numbers are 37857845, dash,
12 37757604.

13 The second order is 37857851, dash,
14 37757610. The next order number is 37858011, dash,
15 37757770.

16 The last order number is 37858015, dash,
17 37757774. All marked, "New, one hundred percent
18 authentic."

19 Q And is this document an accurate reflection
20 of what you were trying to purchase?

21 A It is.

22 Q And did you receive the orders from StockX?

23 A I did.

24 MS. REINCKENS: Number eight, please.

25 (Plaintiff's Exhibit 8 was marked for

Page 43

1 identification by the Certified Shorthand Reporter
2 and is attached hereto.)

3 MS. REINCKENS: Okay.

4 BY MS. REINCKENS:

5 Q Mr. Kim, the court reporter has handed you
6 a document marked as Exhibit No. KIM 8. It bears the
7 Bates number RK 63 through RK 64.

8 Do you recognize this document?

9 A Yes, I do.

10 Q Okay. What is it?

11 A It is an email confirmation for a StockX
12 purchase of the Jordan 1 Hyper Royal, dated June
13 ninth, 2022, with the Order No. 38216724, dash,
14 38116483 marked, "New, one hundred percent
15 authentic."

16 Q And is this document an accurate reflection
17 of what you were trying to purchase?

18 A It is.

19 Q And did you receive this order from StockX?

20 A I did.

21 MS. REINCKENS: This is Exhibit No. KIM 9,
22 please.

23 (Plaintiff's Exhibit 9 was marked for
24 identification by the Certified Shorthand Reporter
25 and is attached hereto.)

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1 THE WITNESS: Thank you.

2 BY MS. REINCKENS:

3 Q Mr. Kim, the court reporter has handed you
4 a document marked as Exhibit No. 9. It bears the
5 Bates numbers RK 65 through RK 67.

6 Do you recognize this document?

7 A I do. It is an email confirmation for a
8 StockX purchase of a Jordan 1 High Hyper Royal,
9 Order -- I'm sorry, dated June first, 2022, Order No.
10 37940815, dash, 37840574 marked, "New, one hundred
11 percent authentic."

12 Q Okay.

13 And is this document an accurate reflection
14 of what you were trying to purchase?

15 A It is.

16 Q And did you receive this order --

17 A I did.

18 Q -- from StockX?

19 A I did, yes.

20 Q Okay.

21 MS. REINCKENS: And -- all right. Perfect.

22 Thank you.

23 Exhibit No. KIM 10, please.

24 (Plaintiff's Exhibit 10 was marked for
25 identification by the Certified Shorthand Reporter

Page 45

1 and is attached hereto.)

2 MS. REINCKENS: Okay.

3 BY MS. REINCKENS:

4 Q Mr. Kim, you've been handed a document
5 marked as Exhibit No. KIM 10 and it is -- bears the
6 Bates numbers RK 68 through RK 70.

7 Do you recognize this document?

8 A I do. It is an email confirmation for a
9 StockX purchase of a Jordan 1 High Hyper Royal, dated
10 June first, 2022. It has the Order No. 37960474,
11 dash, 37860233, marked, "New, one hundred percent
12 authentic."

13 Q And is this document an accurate reflection
14 of what you were trying to purchase?

15 A It is.

16 Q And did you receive this order from StockX?

17 A I did.

18 MS. REINCKENS: Exhibit No. KIM 11, please.

19 (Plaintiff's Exhibit 11 was marked for
20 identification by the Certified Shorthand Reporter
21 and is attached hereto.)

22 BY MS. REINCKENS:

23 Q Mr. Kim, you've been handed an exhibit
24 marked Exhibit No. KIM 11. It bears the Bates
25 numbers RK 71 through RK 73.

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1 Do you recognize this document?

2 A Yes, it is an email confirmation for a
3 StockX order of a Jordan 1 High Hyper Royal, dated
4 June second, 2022, bearing Order No. 37981780, dash,
5 37881539, listed as "New, one hundred percent
6 authentic."

7 Q And is this a document -- is this document
8 an accurate reflection of what you were trying to
9 purchase?

10 A It is.

11 Q And did you receive this order from StockX?

12 A I did.

13 MS. REINCKENS: Exhibit No. KIM 12, please.

14 (Plaintiff's Exhibit 12 was marked for
15 identification by the Certified Shorthand Reporter
16 and is attached hereto.)

17 BY MS. REINCKENS:

18 Q Mr. Kim, you've been handed a document
19 marked as Exhibit No. KIM 12. It bears the Bates
20 numbers RK 74 through RK 76.

21 Do you recognize this document?

22 A Yes, it's an email confirmation for a
23 StockX purchase of a Jordan 1 Hyper Royal, dated May
24 30th, 2022, Order No. 37873383, dash, 37773142,
25 "Condition: New, one hundred percent authentic."

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1 Q And is this document an accurate reflection
2 of what you were trying to purchase?

3 A It is.

4 Q And did you receive this order from StockX?

5 A I did.

6 MS. REINCKENS: Exhibit No. KIM 13.

7 (Plaintiff's Exhibit 13 was marked for
8 identification by the Certified Shorthand Reporter
9 and is attached hereto.)

10 BY MS. REINCKENS:

11 Q Mr. Kim, you've been handed a document
12 that's been marked as Exhibit No. KIM 13. It bears
13 the Bates numbers RK 77 through RK 79.

14 Do you recognize this document?

15 A Yes, it is an email confirmation for a
16 StockX purchase of a Jordan 1 University Blue, dated
17 May 30th, 2022, Order No. 37857774, dash, 377575333,
18 marked with the "Condition: New, one hundred percent
19 authentic."

20 Q And is this document an accurate reflection
21 of what you were trying to purchase?

22 A It is.

23 Q Did you receive this order from StockX?

24 A I did.

25 MS. REINCKENS: Exhibit No. KIM 14.

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4 BY MS. REINCKENS:

5 Q Mr. Kim, you've been handed a document
6 marked as Exhibit No. KIM 14. It bears the Bates
7 numbers KIM -- RK 80 through RK 82.

Do you recognize this document?

9 A I do. It is an email confirmation for a
10 StockX purchase of a Jordan 1 University Blue, dated
11 May 30th, 2022, Order No. 37857778, dash, 37757537,
12 marked, "New, one hundred percent authentic."

13 Q Is this document an accurate reflection of
14 what you were trying to purchase?

15 A It is.

O And did you receive this order from StockX?

17 A I did.

21 BY MS. BETNCKENS:

22 Q Mr. Kim, you've been handed a document
23 marked as Exhibit No. KIM 15. It bears the Bates
24 numbers BK 83 through BK 85

Do you recognize this document?

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1 A I do. It is an email confirmation for a
2 StockX purchase of a Jordan 1 University Blue, dated
3 May 30th, 2022, bearing Order No. 37857930, dash,
4 37757689, "Condition: New, one hundred percent
5 authentic."

6 Q And is this document an accurate reflection
7 of what you were trying to purchase?

8 A It is.

9 Q Did you receive this order from StockX?

10 A I did.

11 Q Exhibit No. KIM 16.

12 A Thank you.

16 MS. REINCKENS: Okay.

17 BY MS. REINCKENS:

18 Q Mr. Kim, you've been handed an exhibit
19 marked as Exhibit No. KIM 16. It bears the Bates
20 numbers RK 86 through RK 88.

Do you recognize this document?

22 A Yes, it is an email confirmation for a
23 StockX purchase of the Jordan 1 University Blue,
24 dated May 30th, 2011, bearing Order No. 37857919,
25 dash, 37757678. "Condition: New, one hundred percent

Page 50

1 authentic."

2 Q And is this document an accurate reflection
3 of what you were trying to purchase?

4 A It is.

5 Q Did you receive this order from StockX?

6 A I did.

7 MS. REINCKENS: Exhibit No. KIM 17.

8 (Plaintiff's Exhibit 17 was marked for
9 identification by the Certified Shorthand Reporter
10 and is attached hereto.)

11 BY MS. REINCKENS:

12 Q Mr. Kim, you've been handed a document
13 marked as Exhibit No. KIM 17. It bears the Bates
14 numbers RK 89 through RK 91.

15 Do you recognize this document?

16 A I do. It is an email confirmation for a
17 StockX purchase of a Jordan 1 University Blue, dated
18 May 30th, 2022, Order No. 37857913, dash, 37757672,
19 "Condition: New, one hundred percent authentic."

20 Q And is this document an accurate reflection
21 of what you were trying to purchase?

22 A It is.

23 Q And did you receive this order from StockX?

24 A I did.

25 MS. REINCKENS: Exhibit No. KIM 18, please.

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1 (Plaintiff's Exhibit 18 was marked for
2 identification by the Certified Shorthand Reporter
3 and is attached hereto.)

4 THE WITNESS: Thank you.

5 BY MS . REINCKENS :

Q Mr. Kim, the court reporter has handed you
a document marked Exhibit No. KIM 18. It bears the
Bates numbers RK 92 through RK 94.

9 Do you recognize this document?

10 A Yes, it is an email confirmation for a
11 StockX purchase of a Jordan 1 University Blue, dated
12 May 30th, 2022, bearing Order No. 37857871, dash,
13 37757630 "Condition: New, one hundred percent
14 authentic."

15 Q And is this document an accurate reflection
16 of what you were trying to purchase?

17 A It is.

O And did you receive this order from StockX?

19 A I did.

20 MS. REINCKENS: Exhibit No. KIM 19, please.

21 | (Plaintiff's Exhibit 19 was marked for

identification by the Certified Shorthand Reporter
and is attached hereto.)

24 THE WITNESS: Thank you.

25 //

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1 BY MS. REINCKENS:

2 Q Mr. Kim, you've been handed a document
3 marked Exhibit No. KIM 19. It bears the Bates
4 numbers RK 95 through RK 97.

5 Do you recognize this document?

6 A Yes. It's an email confirmation for a
7 StockX purchase of a Jordan 1 University Blue, dated
8 May 30th, 2022, Order No. 37857996, dash, 37757755,
9 "Condition: New, one hundred percent authentic."

10 Q And is this document an accurate reflection
11 of what you were trying to purchase?

12 A It is.

13 Q And did you receive this order from StockX?

14 A I did.

15 (Plaintiff's Exhibit 20 was marked for
16 identification by the Certified Shorthand Reporter
17 and is attached hereto.)

18 BY MS. REINCKENS:

19 Q Mr. Kim, you've been handed a document
20 marked as Exhibit No. KIM 20 and it bears the Bates
21 numbers RK 98 through RK 100.

22 Do you recognize this document?

23 A I do. It is an email confirmation for a
24 StockX purchase of a Jordan 1 University Blue, dated
25 May 30th, 2022, bearing Order No. 37857805, dash,

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1 37757564, "Condition: New, one hundred percent
2 authentic."

3 Q And is this document an accurate reflection
4 of what you were trying to purchase?

5 A It is.

6 Q And did you receive this order from StockX?

7 A I did.

8 Q We're making progress.

9 A I bought so many shoes, now I know why this
10 takes so long.

11 Thank you.

12 Q Mr. Kim, the court reporter has handed you
13 an exhibit marked as Exhibit No. KIM 21.

14 (Plaintiff's Exhibit 21 was marked for
15 identification by the Certified Shorthand Reporter
16 and is attached hereto.)

17 BY MS. REINCKENS:

18 Q It bears the Bates numbers RK 101 through
19 RK 103.

20 Do you recognize this document?

21 A Yes, it is an email confirmation for a
22 StockX purchase of a Jordan 1 University Blue, dated
23 May 30th, 2022, Order No. 37857998, dash, 37757757,
24 the condition is new, one hundred percent authentic.

25 Q Is this document an accurate reflection of

Page 54

1 what you were trying to purchase?

2 A It is.

3 Q Did you receive this order from StockX?

4 A I did.

5 MS. REINCKENS: Exhibit No. KIM 22.

6 (Plaintiff's Exhibit 22 was marked for
7 identification by the Certified Shorthand Reporter
8 and is attached hereto.)

9 THE WITNESS: Thank you.

10 BY MS. REINCKENS:

11 Q Mr. Kim, the court reporter has handed you
12 an exhibit marked as Exhibit No. KIM 22. It bears
13 the Bates numbers RK 104 through RK 106.

14 Do you recognize this document?

15 A I do. It is an email confirmation for a
16 StockX purchase of a Jordan 1 Dark Mocha, dated June
17 sixth, 2022, bearing Order Number 38124114, dash,
18 38023873, "Condition: New, one hundred percent
19 authentic."

20 Q And is this document an accurate reflection
21 of what you were trying to purchase?

22 A It is.

23 Q Did you receive this order from StockX?

24 A I did.

25 (Plaintiff's Exhibit 23 was marked for

Page 55

1 identification by the Certified Shorthand Reporter
2 and is attached hereto.)

3 THE WITNESS: Thank you.

4 MS. REINCKENS: Okay.

5 BY MS. REINCKENS:

6 Q Mr. Kim, the court reporter has handed you
7 an exhibit marked as Exhibit No. KIM 23. It bears
8 the Bates numbers RK 107 through RK 109.

9 Do you recognize this document?

10 A I do. It is an email confirmation for a
11 StockX purchase of a Jordan 1 Dark Mocha, dated June
12 seventh, 2022, bearing Order No. 38157530, dash,
13 38057289. The condition is marked as "New, one
14 hundred percent authentic."

15 Q And is this document an accurate reflection
16 of what you were trying to purchase?

17 A It is.

18 Q Did you receive this order from StockX?

19 A I did.

20 MS. REINCKENS: Exhibit No. KIM 24.

21 (Plaintiff's Exhibit 24 was marked for
22 identification by the Certified Shorthand Reporter
23 and is attached hereto.)

24 BY MS. REINCKENS:

25 Q Mr. Kim, the court reporter has handed you

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1 a document marked as Exhibit No. KIM 24. It bears
2 the Bates numbers RK 110 through RK 112.

3 Do you recognize this document?

4 A Yes, it's an email confirmation for a
5 StockX purchase of a Jordan 1 Dark Mocha, dated May
6 31st, 2022, bearing Order No. 37888982, dash,
7 37788741. The condition is marked as "New, one
8 hundred percent authentic."

9 Q And is this document an accurate reflection
10 of what you were trying to purchase?

11 A It is.

12 Q Did you receive this order from StockX?

13 A I did.

14 (Plaintiff's Exhibit 25 was marked for
15 identification by the Certified Shorthand Reporter
16 and is attached hereto.)

17 BY MS. REINCKENS:

18 Q Mr. Kim, the court reporter has handed you
19 an exhibit marked as Exhibit No. KIM 25. It bears
20 the Bates numbers RK 113 through RK 115.

21 Do you recognize this document?

22 A I do. It is an email confirmation for a
23 StockX purchase of a Jordan 1 Dark Mocha, dated May
24 30th, 2022, bearing Order No. 37858043, dash,
25 37757802. The condition is marked as "New, one

Page 57

1 hundred percent authentic."

2 Q Is this document an accurate reflection of
3 what you were trying to purchase?

4 A It is.

5 Q Did you receive this order from StockX?

6 A I did.

7 MS. REINCKENS: Thank you. Exhibit No. KIM
8 26.

9 (Plaintiff's Exhibit 26 was marked for
10 identification by the Certified Shorthand Reporter
11 and is attached hereto.)

12 THE WITNESS: Thank you.

13 BY MS. REINCKENS:

14 Q Mr. Kim, the court reporter has handed you
15 a document marked as Exhibit No. KIM 26. It bears
16 the Bates numbers RK 116 through RK 118.

17 Do you recognize this document?

18 A Yes, it's an email confirmation for a
19 StockX purchase of a -- excuse me, a Jordan 1 Dark
20 Mocha, dated June seventh, 2022, bearing Order No.
21 38161749, dash, 38061508. The condition is marked as
22 "New, one hundred percent authentic."

23 Q Is this document an accurate reflection of
24 what you were trying to purchase?

25 A It is.

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1 Q Did you receive this order from StockX?

2 A I did.

3 MS. REINCKENS: Exhibit No. KIM 27.

4 (Plaintiff's Exhibit 27 was marked for
5 identification by the Certified Shorthand Reporter
6 and is attached hereto.)

7 THE WITNESS: Thank you.

8 BY MS. REINCKENS:

9 Q Mr. KIM, you've been handed an exhibit
10 marked as Exhibit No. KIM 27 bearing the Bates
11 numbers RK 119 through RK 121.

12 Do you recognize this document?

13 A Yes. It's an email confirmation for a
14 StockX purchase of a Jordan 1 Dark Mocha, dated May
15 31, 2022, bearing Order No. 37892676, dash, 37792435.
16 The condition is marked as "New, one hundred percent
17 authentic."

18 Q Is this document an accurate reflection of
19 what you were trying to purchase?

20 A It is.

21 Q Did you receive this order from StockX?

22 A I did.

23 Q Down to the last five.

24 A All right. I thought it was 300.

25 MS. REINCKENS: Exhibit No. KIM 28.

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1 (Plaintiff's Exhibit 28 was marked for
2 identification by the Certified Shorthand Reporter
3 and is attached hereto.)

4 THE WITNESS: Thank you.

5 MS. REINCKENS: Okay.

6 BY MS. REINCKENS:

7 Q Mr. Kim, you've been handed a document
8 marked as Exhibit No. KIM 28. It bears the Bates
9 numbers RK 122 through RK 124.

Do you recognize this document?

11 A I do. It is an email confirmation for a
12 StockX purchase of a Jordan 1 Dark Mocha, dated May
13 30, 2022, Order No. 37858075, dash, 37757834. The
14 condition is marked as "New, one hundred percent
15 authentic."

16 Q Is this document an accurate reflection of
17 what you were trying to purchase?

18 A It is.

O Did you receive this order from StockX?

20 A I did.

21 MS. REINCKENS: Exhibit No. KIM 29, please.

22 (Plaintiff's Exhibit 29 was marked for
23 identification by the Certified Shorthand Reporter
24 and is attached hereto.)

25 THE WITNESS: Thank you.

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1 BY MS. REINCKENS:

2 Q Mr. KIM, you've been handed a document
3 that's been mark as Exhibit No. 29, bearing the Bates
4 numbers RK 125 through RK 127.

5 Do you recognize this document?

6 A I do. It is an email confirmation for a
7 StockX purchase of a Jordan 1 Dark Mocha, dated May
8 31st, 2022, bearing Order No. 37888697, dash,
9 37788456. The condition is marked as "New, one
10 hundred percent authentic."

11 Q And is this document an accurate reflection
12 of what you were trying to purchase?

13 A It is.

14 Q Did you receive this order from StockX?

15 A I did.

16 Q I'm getting a workout.

17 (Plaintiff's Exhibit 30 was marked for
18 identification by the Certified Shorthand Reporter
19 and is attached hereto.)

20 THE WITNESS: Thank you.

21 BY MS. REINCKENS:

22 Q Mr. KIM, you've been handed a document
23 marked as Exhibit No. KIM 30. It bears the Bates
24 numbers RK 128 through RK 130.

25 Do you recognize this document?

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1 A I do. It is an email confirmation for a
2 StockX order of a Jordan 1 Hyper Royal, dated June
3 sixth, 2022, bearing Order No. 38130181, dash,
4 38029940. The condition is marked as "New, one
5 hundred percent authentic."

6 Q And is this document an accurate reflection
7 of what you were trying to purchase?

8 A It is.

10 A I did.

11 MS. REINCKENS: Exhibit No. KIM 31, please.

15 THE WITNESS: Thank you.

16 BY MS. REINCKENS:

17 Q Mr. Kim, you've been handed an exhibit
18 marked as Exhibit No. KIM 31. It bears the Bates
19 numbers RK 131 through RK 133.

Do you recognize this document?

21 A I do. It is an email confirmation for a
22 StockX purchase of a Jordan 1 Hyper Royal, dated June
23 fourth, 2022, bearing Order No. 38068072, dash,
24 37967831. The condition is marked as "New, one
25 hundred percent authentic."

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1 Q And is this document an accurate reflection
2 of what you were trying to purchase?

3 A It is.

4 Q Did you receive this order from StockX?

5 A I did.

6 Q Okay. Last one.

7 A All right.

8 MS. REINCKENS: Exhibit No. KIM 32.

9 (Plaintiff's Exhibit 32 was marked for
10 identification by the Certified Shorthand Reporter
11 and is attached hereto.)

12 THE WITNESS: Thank you.

13 BY MS. REINCKENS:

14 Q Mr. Kim, the court reporter has handed you
15 a document marked as Exhibit No. KIM 32. It bears
16 the Bates numbers RK 134 through RK 136.

17 Do you recognize this document?

18 A I do. It is an email confirmation for a
19 StockX purchase of a Jordan 1 Hyper Royal, dated May
20 30th, 2022, bearing the Order No. 37870331, dash,
21 37770090. The condition is marked as "New, one
22 hundred percent authentic."

23 Q Is this document an accurate reflection of
24 what you were trying to purchase?

25 A It is.

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1 Q And did you receive this order from StockX?

2 A I did.

3 MS. REINCKENS: Is now a good time for a
4 break? I think we've been going for over an hour.

5 MR. HINDMAN: Yes, please.

6 MS. REINCKENS: Okay.

7 THE VIDEOGRAPHER: Off the record at
8 a.m.

9 (Brief interruption in proceedings.)

10 THE VIDEOGRAPHER: Back on the record,
11 beginning media unit two at 11:01 a.m.

12 MS. REINCKENS: Mark this as Exhibit
13 No. 33.

14 (Plaintiff's Exhibit 33 was marked for
15 identification by the Certified Shorthand Reporter
16 and is attached hereto.)

17 MS. REINCKENS: Okay.

18 BY MS. REINCKENS:

19 Q Mr. KIM, you've been handed a document
20 marked as Exhibit No. 33. It bears the Bates numbers
21 RK 13 through RK 14.

22 Do you see that?

23 A Yes.

24 Q And the document that had the Bates numbers
25 RK, those are documents that were produced by your

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1 MS. REINCKENS: Oh, it is. Did I mess it
2 up already? Oh, yes. Thank you.

3 It's exhibit No. 37. Thank you.

4 (Plaintiff's Exhibit 37 was marked for
5 identification by the Certified Shorthand Reporter
6 and is attached hereto.)

7 THE WITNESS: Thank you.

8 MS. REINCKENS: Okay.

9 BY MS. REINCKENS:

10 Q Mr. Kim, the court reporter has handed you
11 a document marked as Exhibit No. 37 and I will
12 represent to you that this a printout of your
13 Instagram page --

14 A It is?

15 Q -- that was taken yesterday on February
16 seventh, 2023.

17 Do you recognize this document to be a
18 printout of your Instagram page?

19 A I do.

20 Q Okay.

21 And your Instagram username is
22 "sneakerstrut"; is that right?

23 A It is.

24 Q Okay.

25 How long have you been using the Instagram

1 account "sneakerstrut"?

2 A About four or five years, I believe.

3 Q Okay.

4 And what kind of content do you post on the
5 "sneakerstrut" account?

6 A So, it's mostly just like a personal
7 sneaker diary. I just like to take a picture of
8 whatever shoe I'm wearing that day and just post it
9 there.

10 I also would use -- because a lot of my
11 following are Instagram resellers or other sneaker
12 influencers, sometimes I'll use stories to just talk
13 about the market of the re-sell or -- you know, just
14 stories that have to do with sneaker reselling.

15 Q Okay. And do you have any idea of what
16 type of users follow your account?

17 MR. POTTER: Objection to form.

18 THE WITNESS: I have a lot of friends that
19 follow, mostly sneaker enthusiasts. Some sneaker
20 resellers and a lot of bots unfortunately.

21 MS. REINCKENS: Okay. I'll mark this,
22 please, as Exhibit No. 38.

23 (Plaintiff's Exhibit 38 was marked for
24 identification by the Certified Shorthand Reporter
25 and is attached hereto.)

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1 THE WITNESS: Thank you.

2 BY MS. REINCKENS:

3 Q Mr. Kim, the court reporter has handed you
4 a document marked as Exhibit No. 38. And I'll
5 represent to you that this is a printout of -- taken
6 on February seventh, 2023, at 1:55 p.m. of your
7 Instagram account and, in particular, a post that was
8 made on July fifth, 2022.

9 Do you recognize this post, sir?

10 A I do.

11 Q Okay.

12 And what is it?

13 A It was the post that I made saying that I
14 had received a bunch of shoes that had failed Legit
15 Check and CheckCheck Application.

16 And so just documenting what I believe were
17 fake shoes sold by StockX.

18 Q Okay.

19 And you posted this then on July fifth,
20 2022; correct?

21 A That is correct, yes.

22 Q Okay.

23 All right. You can put that to the side.

24 MS. REINCKENS: Mark this as Exhibit
25 No. 39, please.

1 (Plaintiff's Exhibit 39 was marked for
2 identification by the Certified Shorthand Reporter
3 and is attached hereto.)

4 THE WITNESS: Thank you.

5 BY MS . REINCKENS :

6 Q Now, Mr. Kim, you've been handed a document
7 marked as Exhibit No. 39. It bears the Bates numbers
8 NIKE 36330 through NIKE 36338. And I will represent
9 to you that this is a printout from Page Vault and
10 Page Vault is a service that is used to capture web
11 content and it was produced in this case by Nike.

12 I will represent to you that is -- it
13 captures the same Instagram post that we just looked
14 at in Exhibit No. 38.

15 Just looking at this document, sir, does
16 this appear to be an accurate capture of that post?

17 A Yes.

18 Q And this document is a little bit difficult
19 to follow, but if you look at the cover page it has
20 the capture time stamp.

21 Do you see that?

A Yes. I see the capture timestamp yes.

23 O What is the date of that capture?

A It says Tuesday, the 12th of July 2022 --

25 Q Okay.

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1 A -- at 8:32 GMT.

2 Q All right.

3 And is -- can you please confirm that this
4 post is still visible on your Instagram account --

5 A It is still --

6 Q -- today?

7 A It is still visible today, yes.

8 Q Okay.

9 Now, if you look at page four, it's the
10 document that ends in -- or that's Bates numbered
11 36333. There's a large block of text underneath the
12 images.

13 Do you see that?

14 A On page three?

15 Q It's -- yes, page three of eight or
16 otherwise NIKE 36333.

17 A Oh, yeah, I see it.

18 Q Okay.

19 And what is the large text that appears
20 under the images?

21 A That is the description of the Instagram
22 post that I make.

23 Q Okay.

24 And so did you write this, sir?

25 A I did.

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1 Q Okay.

2 And if you could, please, just read that
3 caption into the record?

4 A "This is what \$10,000 plus of fake sneakers
5 that passed through StockX looks like. I bought
6 about 62 pairs of Uni Mocha Hyper Royals through
7 StockX over the last month. Of those 36 have failed
8 authentication at CheckCheck and Legit Check App. I
9 haven't tried to sell them through Ebay or GOAT, but
10 somebody else who's been buying their pairs from
11 StockX told me these pairs have been failing through
12 GOAT authentication at a very high rate. This means
13 that StockX's authentication on these pairs is only
14 42 percent accurate, 58 percent of the pairs they are
15 selling will be marked as 'not legit' consistently by
16 other sources. There's a huge problem here. Of
17 course, StockX support is silent when brought up
18 through support channels. Any human authentication
19 system is going to have errors, but whatever StockX
20 is doing right now is not working and the ability to
21 fix these errors is nearly non-existent. Hashtag
22 StockX."

23 Q Now, when you referenced in the first
24 sentence, "sneakers that passed through at StockX
25 looks like," did you tag StockX there?

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1 A Did I tag StockX there, yes.

2 Q Okay.

3 So that would be a tag back to StockX's
4 Instagram account then; correct?

5 A Yes.

6 Q All right.

7 And as far as you're aware would StockX
8 receive notice of being tagged in your post?

9 MR. POTTER: Objection to form.

10 THE WITNESS: I don't know how those big
11 business accounts work, but I would imagine they do.

12 MS. REINCKENS: Okay. Thank you.

13 BY MS. REINCKENS:

14 Q Now, underneath your caption is says,
15 "Edited."

16 Do you see that?

17 A Yes.

18 Q Okay.

19 What does that mean?

20 A It means I modified the description from
21 the first time I posted to what the final version
22 was.

23 Q Do you recall how you edited it?

24 A I do not recall.

25 It was probably punctuation error or

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1 something with the spelling.

2 Q Now, on the same page you say "StockX
3 support is silent when brought up through support
4 channels."

5 What did you mean by that?

6 A I meant that I had reached out through
7 their help channels on their website. I received no
8 notification at this time. Although Discord isn't an
9 official support channel, I kind of included that in
10 my mind where I tried to reach out through their
11 Discord as well and have not received any response
12 except from this at DarkJ reported to be a StockX
13 employee.

14 Q Thank you.

15 MS. REINCKENS: Mark this as Exhibit
16 No. 40, please.

17 (Plaintiff's Exhibit 40 was marked for
18 identification by the Certified Shorthand Reporter
19 and is attached hereto.)

20 MS. REINCKENS: Okay.

21 BY MS. REINCKENS:

22 Q Mr. Kim, the court reporter has handed you
23 a document that's been mark as Exhibit No. 40. It
24 bears the Bates No. NIKE 29207, excuse me.

25 And do you recognize this document, sir?

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1 A I do.

2 Q Okay.

3 And what is it?

4 A It is an email from Tamar -- I'm going to
5 butcher the last name -- Tamar Duvdevani, a lawyer at
6 DLA Piper who represents Nike, asking me to -- if I
7 would speak with her about my Instagram post.

8 Q And when did you receive this email?

9 A July 11th, 2022.

10 Q And is this the first time you were
11 contacted by anyone from the Nike team?

12 A Yes.

13 Q Is it correct also that on July -- July
14 22nd, 2022, representatives from Nike inspected the
15 shoes?

16 A Yes.

17 Q Do you recall where the inspection took
18 place?

19 A At my home.

20 Q Do you recall who was present?

21 A Yes, you were, Melissa and then a product
22 authenticator from Nike. I do not remember his name.

23 Q And how did you set aside the pairs that
24 were inspected by Nike?

25 A I set them on my rooftop table to -- yeah,

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1 for Nike to look at them.

2 Q And were those the same pairs that were
3 depicted in your Instagram post?

4 A Yes, and a few more.

5 Q Okay.

6 And were those the same pairs as the order
7 confirmations that we reviewed earlier, sir?

8 A Yes.

9 MR. POTTER: Objection.

10 THE WITNESS: I'm sorry.

11 MR. POTTER: Objection to form.

12 BY MS. REINCKENS:

13 Q Did each pair come from StockX?

14 A Yes.

15 Q And how can you be sure of that?

16 A The ones that I had set aside still had --
17 well, most of them had still the StockX tags attached
18 to them.

19 So StockX, when they authenticate their
20 shoes, attaches a tag that you cannot be removed --
21 well, you can remove it, but you cannot reattach it,
22 so these were still -- and that's how they embed,
23 like, the order number on the RFI to you.

24 So most of the ones I had set aside still
25 had the StockX tag on them. I had a few that I

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1 prematurely removed the tags, that I just wanted, you
2 know, to know if they were fake or not so I knew
3 what to do with them.

4 So, yeah.

5 Q And did any of those shoes come without
6 tags?

7 MR. POTTER: Objection to form.

8 THE WITNESS: From StockX, no. All the
9 StockX shoes came with tags.

10 BY MS. REINCKENS:

11 Q After receiving the shoes initially from
12 StockX, how did you store them?

13 A They were stored in my garage.

14 Q And after Nike left, what did you do with
15 the shoes?

16 MR. POTTER: Objection to form.

17 THE WITNESS: I packaged them up and sent
18 them back with the labels that my StockX
19 representative had sent me to send back to StockX.

20 BY MS. REINCKENS:

21 Q About how soon after the inspection on July
22nd, did you return the shoes to StockX?

23 A Within days.

24 Q Did you give the shoes to any other parties
25 before returning them to StockX?

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1 A Yes.

2 Q Okay. Since that time --

3 A Uh-huh.

4 Q -- can you estimate the number of purchases
5 that you have made through StockX?

6 A Probably around like two thousand, three --
7 two thousand, three thousand. A couple thousand
8 pairs, sorry, two or three thousand pairs of shoes.

9 Q Two or three thousand pairs of shoes?

10 A I know it's a million dollars because it
11 shows up on my StockX profile, but I don't think they
12 give you the number of items bought.

13 Q Okay.

14 But it certainly -- there's been a million
15 -- you've made a million dollars in buys since the
16 year 2017?

17 A Yes.

18 Q Okay.

19 A That's correct.

20 Q How often do you go on the StockX platform?

21 A Daily.

22 Q Okay.

23 You mentioned when you were discussing
24 StockX, I believe, that one of the services they
25 provide is to review the product before it is sent to